

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JUSTIN HOBBIE,

Defendant.

) Criminal No. 3:18-MJ-720 (TWD)

) Stipulation and Order
) for Enlargement of Time

STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, **JUSTIN HOBBIE**, by and through counsel, Kimberly M. Zimmer, Esq., hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), expired on January 7, 2019. Prior to that time, the parties had verbally agreed to enlarge that timeframe to allow for an additional one hundred twenty (120) days to be excluded to allow for forensic analysis of the items seized pursuant to the federal search warrant. Unfortunately, the parties inadvertently failed to memorialize the required stipulation and order for enlargement of time and file it with the Court. Recognizing this error, the defendant wishes to waive this violation and hereby submits this joint stipulation and order requesting one hundred twenty (120) days from the date of the signing of this Order be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

1) The chronology of this case is as follows:

a) Date of complaint: December 7, 2018

b) Date of initial appearance: December 7, 2018

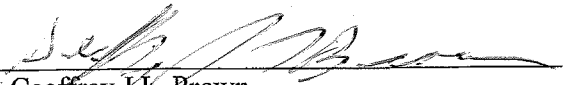
- c) Defendant custody status: In custody
 - d) Dates of Detention Hearings: Waived
- 2) The Court has not previously ordered exclusions under the Speedy Trial Act.
- 3) The United States and/or the defendant request this exclusion based on the following facts and circumstances: The items of electronic media seized pursuant to the execution of a federal search warrant are pending forensic analysis, which is not expected to be completed for approximately 120 days. Until the final analysis is done and the results are available to the parties, the extent of the defendant's violation of the charged crime, and any defense thereto, cannot be known.
- 4) The parties stipulate and agree that the ends of justice served by granting this extension outweigh the best interest of the public and the defendant in a speedy indictment and trial based upon the foregoing. Further, the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (*See* 18 U.S.C. § 3161(h)(7)(B)(iii)).
- 5) The parties stipulate and agree that a time period of one hundred twenty (120) days from the date of this stipulation and order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iii).

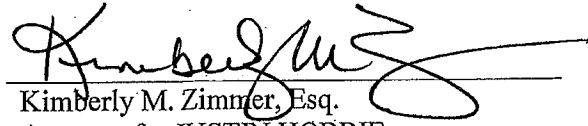
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated:

GRANT C. JAQUITH
United States Attorney

By:


Geoffrey J.L. Brown
Assistant United States Attorney
Bar Roll No. 513495


Kimberly M. Zimmer, Esq.
Attorney for JUSTIN HOBBIE
Bar Roll No. 505346

ORDER

A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy indictment and trial because this delay is necessary to allow the United States reasonable time for effective preparation for the return and filing of an indictment or the resolution of this matter prior to the presentation of any evidence before a grand jury, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including one hundred twenty (120) days from the date of this stipulation and order, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this _____ day of _____, 2019.

Hon. Thérèse Wiley Dancks
United States Magistrate Judge